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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,267	02/12/2002	Steve John Schray	061408.2001-102	5015
30407	7590	04/02/2004	EXAMINER	
BOWDITCH & DEWEY, LLP 161 WORCESTER ROAD P.O. BOX 9320 FRAMINGHAM, MA 01701-9320			ARTMAN, THOMAS R	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/074,267

Applicant(s)

SCHRAY, STEVE JOHN

Examiner

Thomas R Artman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,5-14,16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,11 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 1,5-9 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 5-14 and 18-20, drawn to an optical fiber enclosure, classified in class 385, subclass 135.
- II. Claim 16, drawn to a reversible fiber radius guide, classified in class 385, subclass 136.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination requires a “reversible fiber radius guide” with none of the specifics of the subcombination claimed. The subcombination has separate utility such as being usable with any optical fiber enclosure, holder, management system, etc.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Monica Grewal, Reg. No. 40,056, on March 10<sup>th</sup>, 2004, a provisional election was made without traverse to prosecute the invention of the optical fiber enclosure, claims 1, 5-14 and 18-20. Affirmation of this election must be made by applicant in replying to this Office action. Claim 16 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In both claims, the limitation of a "splice door" lacks antecedent basis. Because of this, a physical relationship is lacking between the splice door and the splice module, as well as between the splice door and the optical fiber enclosure as a whole, and is therefore unclear.

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For the purposes of examination upon the merits, the examiner will assume that the splice door is referring to the “hingedly-mounted splice module” of claim 1.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Vidacovich (US 5,402,515).

Regarding claim 12, Vidacovich discloses a splice module (Fig.6), including:

- 1) a management plate adaptively configured for placement in a rear portion of an enclosure (item 20 of Fig.1),
- 2) a hingedly-joined splice door 24' for holding optical fiber splices 100 associated with optical signals flowing through at least one of a fiber optic adapter having a fiber optic connector that is associated with a removable fiber optic cassette 24 (col.6, lines 12-19), and
- 3) a removable cover (item 26, shown best in Fig.2) for protecting the fiber optic splices when proximate to the splice door.

With respect to claim 13, Vidacovich's splice door is a removable tray 24' for mounting optical fiber splices 100 and for managing associated slack fiber loops around the splices (best seen in Fig.6).

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With respect to claim 14, Vidacovich discloses a plurality of optical fiber splices 100 mounted to the splice door.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffer (US 5,613,030) in view of Vidacovich.

Regarding claim 1, Hoffer discloses an optical fiber enclosure (not shown, flanges on sides of housing for mounting the housing to the enclosure best seen in Fig.9), including:

1) a housing (Fig.1) having a front compartment (view of Fig.1), a rear compartment (view of Fig.2), a first side and a second side, and a bulkhead (framework around opening 50) having an essentially planar surface, the surface having openings 50 disposed thereon for receiving at least a portion of a fiber cassette (Fig.8),

2) a plurality of optical fiber cassettes (Figs.3 and 8) having a front portion and a rear portion, the front portion having a plurality of adapters 210, each having an adapter plug 202 for providing optical connectivity without requiring the removal of the cassette from the bulkhead, the rear portion having a plurality of optical fibers, and

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3) at least one splice module (Fig.6) for holding splices 130 and having a management plate 110 associated with it.

Hoffer does not disclose fanouts on the optical fiber cassettes or hingedly-mounted splice modules.

However, Hoffer does state in the Summary that the invention is adapted to receive ribbon cables as well as discrete cables. Though fanouts are not specifically disclosed, one skilled in the art would contend that fanouts are essential in order to separate the individual fibers from the ribbon cables such that the individual fibers can be routed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for Hoffer to have fanouts on the cassettes such that ribbon cables can be accommodated.

Further regarding claim 1, Vidacovich teaches an optical fiber enclosure (Fig.7) with housings for fiber optic cassettes 24 with adapters (Figs.2 and 3) and a hingedly-mounted splice module 24' (Fig.6) that is mounted to the enclosure. The hinge mounting as taught by Vidacovich provides much simpler and easier access to the splices over Hoffer, where the individual modules have to be carefully removed from the bulkhead in order to avoid binding of the optical fibers or disturbing a neighboring module.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use hingedly-mounted splice modules in Hoffer's enclosure such that simpler, improved access to the splices can be achieved.

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With respect to claim 5, Vidacovich discloses a plurality of optical fiber splices 100 mounted to the splice door.

With respect to claim 6, Vidacovich's splice door is a removable tray 24' for mounting optical fiber splices 100 and for managing associated slack fiber loops around the splices (best seen in Fig.6).

With respect to claim 7, Hoffer discloses a reversible fiber radius guide 32 (Fig.2).

With respect to claim 8, Hoffer discloses a removable panel 56 mounted to the bulkhead.

With respect to claim 9, Hoffer discloses a plurality of ports on top and bottom surfaces of the first and second sides for fiber management.

***Allowable Subject Matter***

Claims 10, 11 and 18-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record neither teaches nor reasonably suggests an optical fiber cassette removably mountable in an enclosure having a fanout mountable to the side wall and accessible without requiring disassembly of the optical fiber cassette or removal from the enclosure, where fibers from the fanout are spliced at splices, accessible without removing or disassembling the

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cassette, to optical fibers with connectors that connect to adapters on a front face that allows connectors to be connected without removing the cassette from the enclosure as required by the combination of claim 10.

Claim 11 is allowed by virtue of its dependency.

The prior art of record neither teaches nor reasonably suggests an optical fiber enclosure with a housing that has front and rear compartments and a bulkhead mounted in the enclosure, with a plurality of removable optical fiber cassettes for connecting optical fibers, where the front and rear compartments each have an optical management system where each has a management plate and the rear compartment has plurality of ribbon fanout devices as required by the combination of claim 18.

Claims 19 and 20 are allowed by virtue of their dependency.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cooper (US 4,898,448) and Handley (US 5,231,687) teach optical fiber cassettes with adapters and splices, but the splices are not accessible without removal of the cassette, and there are no fanouts. Carney (US 5,100,221) teaches hingedly-mounted splice trays and adapter trays. Braga (US 6,363,198), Johnston (US 6,250,816) and Wheeler (US 5,497,444) teach enclosures that have optical fiber cassettes with adapters and reversible fiber radius guides and no splice modules.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R Artman whose telephone number is (571) 272-2485. The examiner can normally be reached on 9am - 6:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas R. Artman  
Patent Examiner  
March 24, 2004



**EDWARD J. GLICK**  
**SUPERVISORY PATENT EXAMINER**